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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

NGHIEM, MICHAEL P

ART UNIT	PAPER NUMBER
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2863

MAIL DATE	DELIVERY MODE
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10/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/773,054

Applicant(s)

ECKARD ET AL.

Examiner

MICHAEL P. NGHIEM

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-8, 14-16, 19, 20, 22, 27, 30-33, 45 and 46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-8, 14, 19, 20, 22, 27, 31, 45 and 46 is/are allowed.
- 6) ☒ Claim(s) 30, 32 and 33 is/are rejected.
- 7) ☒ Claim(s) 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7-25-08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The Amendment filed on June 18, 2008 has been considered.

Information Disclosure Statement

The information disclosure statement filed on July 25, 2008 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because NPL references 1-5 are not legible. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claims 15 and 32, the "capping structure having a range of

movement along an axis generally transverse to a nozzle array of the printhead" is not described in the specification.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the proposed drawings filed on June 24, 2002, which have been approved, do not have formal replacement sheets. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

Claims 15 and 32 are objected to because of the following informalities:
"transverse" (claim 15, line 11; claim 32, line 10) should be -- perpendicular --.
Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The apparatus (line 3) only comprises a special service module (line 3). Thus, the apparatus does not comprise a combination of elements.

The printer (line 6) lacks antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quintana (US 6,312,091) in view of Garcia et al. (US 6,042,216).

Regarding claim 32, Quintana discloses a method for servicing an inkjet printer (20, Fig. 1) including an inkjet printhead (64-66) with a nozzle plate (S1, S2) and a first service module (80) installed on the printer (Fig. 1), comprising:

identifying a printhead-related service condition (contamination and drying, column 1, lines 44-47) not adequately addressed by servicing the printer with the first service module (contamination and drying are not adequately serviced by wiper 80) in an un-worn condition (wiper 80 in good condition, Fig. 1),

providing a second service module (cap 100) with a service function different from the first service module and adapted to address said printhead-related service condition (capping function to protect printhead, prime nozzles, column 1, lines 41-47), wherein the second service module includes a special capping structure having a range of movement along an axis generally transverse to a nozzle array of the printhead (Fig. 4), and a bias structure (120) which urges the capping structure toward and into engagement with the printhead during a capping procedure (column 10, lines 61-64),

and wherein the special capping structure including a cap structure (column 10, lines 49-52) which contacts the printhead during the capping procedure (column 10, lines 61-64);

performing the capping procedure with the second service module installed in the printer (column 1, lines 41-47), and maintaining contact between the non-resilient cap structure and the printhead (column 10, lines 61-64).

However, Quintana does not disclose:

- regarding claim 32,
- the first service module is removably installed on the printer.

- said printhead-related service condition including vibration or shock incurred during shipment or moving of the printer.

- the special capping structure including a relative hard, non-resilient cap structure to prevent a pumping action on the printhead when subjected to vibration and shock.

- regarding claim 33, a constant closed volume is maintained between the cap structure and the printhead during the capping procedure.

Nevertheless, Quintana discloses protecting a printhead during non-printing periods using a capping structure (column 1, lines 41-47). It would be obvious to modify the capping structure to address printhead-related service condition including vibration or shock incurred during shipment or moving of the printer for the purpose of improving protection of the printhead.

Quintana further discloses the capping structure being made of a plastic material (column 10, lines 49-52) and generating proper capping force for sealing and protection of the printheads (column 13, lines 43-53). It would be obvious to choose a relative hard and non-resilient plastic material for the purpose of improving the protection of the printhead. A relative hard and non-resilient plastic combined with the proper capping force would maintain a constant closed volume between the cap structure and the printhead during the capping procedure and would prevent a pumping action on the

printhead when subjected to vibration and shock.

Garcia et al. discloses the first service module is removably installed on the printer (column 8, line 61 – column 9, line 1) for the purpose of providing ease of maintenance of the printhead.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide Quintana with a capping structure of a relative hard and non-resilient plastic and a removably installable first service module as disclosed by Garcia et al. for the purposes of improving the protection of the printhead and providing ease of maintenance of the printhead.

Allowable Subject Matter

Claims 15 and 16 would be allowable if rewritten or amended to overcome the objection(s) set forth in this Office action.

Claim 30 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claim 5-8, 14, 19, 20, 22, 27, 31, 45, and 46 are allowed.

Reasons For Allowance

The **combination** as claimed wherein a method for servicing an inkjet printer comprising the second service module removably installable on the printer and with respect to (i.e. in place of) the first service module (claims 5, 7, 14-16, 19, 20, 22, 27, 30, 31, 45) is not disclosed, suggested, or made obvious by the prior art of record.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (571) 272-2277. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached at (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Michael P. Nghiem/

Primary Examiner, GAU 2863

October 8, 2008